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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-05-70327 EDL
)	
Plaintiff,)	STIPULATION TO CONTINUE STATUS
)	DATE; [PROPOSED] ORDER
v.)	
)	Date: January 30, 2006
THOMAS KEITH CASEBEER,)	Time: 9:30 a.m.
)	
Defendant.)	
)	

The parties hereby stipulate as follows:

The defendant, Thomas Casebeer, is scheduled to appear before this Court on January 30, 2006, for status on this case which is being transferred from the District of Guam pursuant to Rule 20. The parties have received e-filing notices stating that the file has been transferred. The parties intend to go forward with a change of plea following the filing of a superseding

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information in this district. For several reasons, the parties will not be ready to go forward on January 30. First, Mr. Swanson will be in Los Angeles on January 30. Second, the case agent, SA Brent Burmester, left ICE on January 20, 2006. This case needs to be reassigned to a new agent. Third, the U.S. Postal Inspection Service's forensics laboratory was assisting ICE in analyzing the defendant's computer. The review of the computer has not been completed.

Therefore, the parties hereby stipulate to continue the status date to February 14, 2006 at 9:30 a.m. before the Honorable Maria-Elena James. The parties expect that Mr. Casebeer will be arraigned on a superseding information on February 14, 2006.

In light of the unavailability of defense counsel on January 30, 2006, and the need for government counsel to review the evidence and prepare a superseding information, the parties stipulate that time between January 30 and February 14, 2006 should be excluded under the Speedy Trial Act for effective preparation and continuity of counsel. See 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO STIPULATED.

DATED: January 25, 2006

Respectfully submitted,

KEVIN V. RYAN
United States Attorney

/s/ Monica Fernandez

MONICA FERNANDEZ
Assistant United States Attorney

DATED: January 25, 2006

/s/ Edward Swanson

EDWARD SWANSON, ESQ.
Counsel for Defendant Casebeer

ORDER

Pursuant to the parties' stipulation, the status date is continued until February 14, 2006 at 9:30 a.m. before the Honorable Maria-Elena James.

The Court HEREBY ORDERS that the time from January 30 through February 14, 2006 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the requested exclusion would deny the defendant continuity of counsel and the government reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The Court further finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED: January 26, 2006


HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE